

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

ELORA ELMER, c/o C.R.F.

Plaintiff,

V.

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

Case No. 1:22-cv-1045-AWI-SAB

ORDER ADOPTING FINDINGS AND RECOMMENDATIONS

(Doc. Nos. 4, 9)

Plaintiff Elora Elmer, as guardian ad litem for C.F.R., filed a complaint on August 18, 2022, challenging a final decision of the Commissioner of Social Security denying an application for disability benefits. (Doc. No. 1.) Plaintiff did not pay the filing fee in this action and instead filed an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (Doc. No. 2.) The matter was referred to the assigned United States Magistrate Judge pursuant to 28 U.S.C. § 36(b)(1)(B) and Eastern District of California Local Rule 302. The magistrate judge ordered Plaintiff to file a long form application. (Doc. No. 3.) On September 19, 2022, Plaintiff filed a long form application to proceed *in forma pauperis*. (Doc. No. 4.)

On September 21, 2022, the Court issued findings and recommendations to deny Plaintiff's *in forma pauperis* application and require payment of the \$402 filing fee, on the basis that Plaintiff's annual household income was greater than the 2022 federal poverty guideline for a household of four, five, or six persons, and that Plaintiff's expenses reflected at least some extent of discretionary spending beyond strict necessity that do not suggest Plaintiff is living in poverty. (Doc. No. 9.) Plaintiff was advised that any objections to the findings and recommendations must be filed within fourteen days of the magistrate judge's order, that is, by October 5, 2022. The

1 deadline to file objections to the findings and recommendations has passed, and no objections
2 have been filed.

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a
4 de novo review of this case. Having carefully reviewed the entire file, the Court finds the
5 findings and recommendations to be supported by the record and by proper analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The findings and recommendations issued on September 21, 2022 (Doc. No. 9) are
8 adopted in full.
9 2. Plaintiff's application to proceed *in forma pauperis* (Doc. No. 4) is denied; and
10 3. Within thirty (30) days of issuance of this order, Plaintiff shall pay the \$402.00
11 filing fee in full in order to proceed with this action, or face dismissal of this
12 action.

13 IT IS SO ORDERED.

14 Dated: October 14, 2022



SENIOR DISTRICT JUDGE

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